

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4
5 UNITED STATES OF AMERICA

6 Plaintiff,

2:12-cr-00118-GMN-VCF

7 vs.

ORDER

8 MICHAEL CHARLES GARCIA, *et al.*,

9 Defendant.

[Defendant Michael Garcia's Motion to Correct
Co-Defendant's Name from an Alias to His Legal
Name of Robert Charles Gruszczynski (#68) and
Government's Motion to Strike Defendant's Pro
Se Motion to Correct Co-Defendant's Name (#69)]

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12 Before the Court are Defendant Michael Garcia's Motion to Correct Co-Defendant's Name from
13 an Alias to His Legal Name of Robert Charles Gruszczynski (#68) and Government's Motion to Strike
14 Defendant's Pro Se Motion to Correct Co-Defendant's Name (#69).

15 **Relevant Background:**

16 On April 22, 2013, Defendant's counsel, C. Stanley Hunterton, Esq., filed a Motion to Withdraw
17 as Attorney (#66) and the Order (#67) granting the Motion was entered on April 24, 2013. The
18 appointment of new counsel was referred to the CJA panel. Todd M. Leventhal, Esq. has been
19 appointed as counsel for Defendant Garcia in place of C. Stanley Hunterton, Esq. (#70).

20 Defendant filed a Motion to Correct Co-Defendant's Name from an Alias to His Legal Name of
21 Robert Charles Gruszczynski (#68) on April 24, 2013. The Motion was filed by Defendant's mother,
22 Katrina Garcia, requesting the Court to change co-defendant's name, Matthew Dale Dewberry, to Robert
23 Charles Gruszczynski. *Id.*

24 The Government filed a Motion to Strike Defendant's Pro Se Motion to Correct Co-Defendant's
25 Name on April 25, 2013. (#69). The Government moves the Court to strike and deny consideration of

1 Defendant's Motion (#68). *Id.* Defendant's Motion (#68) is filed by his mother, Katrina Garcia, who is
2 not a party nor counsel in this case. *Id.*

3 **Discussion:**


4 On October 31, 2012, the Court denied the Notice of Entry of Appearance by Katrina Garcia
5 (#35). (#36). Katrina Garcia, mother of defendant Michael Garcia, was attempting to appear as his
6 defense counsel in this case. Katrina Garcia is not an attorney. The Ninth Circuit has held that although
7 a plaintiff may appear *pro se* on his or her own behalf, an individual "has no authority to appear as an
8 attorney for others than himself." *Johns v. County of San Diego*, 114 F.3d 874, 876 (9th Cir. 1997)
9 (citing *United States v. Mitchell*, 915 F.2d 521, 526 n.8 (9th Cir. 1990)) (quoting *C.E. Pope Equity Trust*
10 *v. United States*, 818 F.2d 696, 697 (9th Cir. 1987)).

11 U. S. District Court of Nevada Local Rules IA 10-1 through 10-7 regulate the practice of law in
12 our court. With the exception of law students certified pursuant to LR IA 10-5 and supervised by an
13 attorney, only licensed attorneys may represent parties to any criminal or civil action. Katrina Garcia is
14 not an attorney.

15 IT IS HEREBY ORDERED that Government's Motion to Strike Defendant's *Pro Se* Motion to
16 Correct Co-Defendant's Name (#69) is GRANTED.

17 IT IS FURTHER ORDERED that Defendant Michael Garcia's Motion to Correct Co-
18 Defendant's Name from an Alias to His Legal Name of Robert Charles Gruszczynski (#68) is
19 STRICKEN.

20 DATED this 15th day of May, 2013.

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23 _____
24 CAM FERENBACH
25 UNITED STATES MAGISTRATE JUDGE